

**REMARKS**

All pending claims 1-42 and 48-50 are rejected.

Applicant has amended claims 1, 4, 15, 16, 27-38, 41, 42 and 48 to place the present application in condition for allowance.

Claims 13, 14, 39 and 40 are canceled and new claims 51-53 are added.

Entry of the amendments and reconsideration of this application is kindly requested. After entry of the amendments submitted herewith, claims 1-12, 15-38, 41-42 and 48-53 will remain for the Examiner's consideration.

**Claim Rejection Under 35 U.S.C. § 112**

Claims 4, 14, 15, 16 and 40-42 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because the recitation of "textile fibers" in these claims lack proper antecedent basis.

Claims 14 and 40 are being canceled and Applicant has amended the recitation of "textile fibers" in claims 4, 15, 16, 41 and 42 to "textile glass fibers" as suggested by the Examiner to overcome this rejection. Reconsideration of the present application and withdrawal of this rejection are kindly requested.

**Claim Rejection Under 35 U.S.C. § 102**

Examiner rejects claims 1, 9, 11-12, 14-15 and 48-50 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent No. 4,849,281 to Brandon *et al.* ("Brandon").

In response, Applicant has amended independent claim 1 to require that:

"... the total glass fiber content is about 30-50 wt. % of said insulation product and said textile glass fibers make up less than about 20 wt. % of the total glass fiber content of said insulation product."

The amendment incorporates the limitations from the dependent claims 13 and 14 and, thus, no new matter is being added. The result of these limitations is that the textile glass fiber content of the insulation product is less than 6 to 10 wt. % (*i.e.* (0.2) x (30-50 wt. %)) of the total insulation product. As described in the specification, the textile glass fiber content is limited because the higher textile glass fiber content results in inferior insulation property of the final product. (See for example, Specification at paragraph [0004]).

In contrast, the insulation product disclosed in Brandon contains textile glass fiber content of 10-30 wt. %, which is Brandon's "optimum ratio" for blending wool and textile glass fibers to produce the preferred embodiment of their insulation product. (Brandon at col. 3, lines 1-13). Thus, Brandon does not disclose the invention claimed in the amended claim 1 and therefore does not anticipate the amended claim 1 under 35 U.S.C. § 102(b). Furthermore, because the textile glass fiber content disclosed in Brandon is the optimal value for that product, one of ordinary skill in the art would not be motivated to consider varying the textile glass fiber content of Brandon's insulation product.

Accordingly, withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(b) and allowance of amended claim 1 are kindly requested.

Claims 9, 11-12 and 15 depend from claim 1 which, as amended, is allowable over Brandon. Therefore, claims 9, 11-12 and 15 are also allowable over Brandon. Withdrawal of the rejection and allowance of these dependent claims are kindly requested.

With respect to the independent claim 48, Applicant has amended claim 48 to include the same limitation added to claim 1. Thus, claim 48 as amended recites:

"... the total glass fiber content is about 30-50 wt. % of said insulation product and said textile glass fibers make up less than about 20 wt. % of the total glass fiber content of said insulation product."

As discussed above in reference to claim 1, the Brandon reference fails to disclose an insulation product meeting this requirement. Therefore, Brandon does not disclose the invention claimed in the amended claim 48 and therefore does not anticipate the amended claim 48 under 35 U.S.C. § 102(b).

Accordingly, withdrawal of the rejection of claim 48 under 35 U.S.C. § 102(b) and allowance of amended claim 48 are kindly requested.

Claims 49 and 50 depend from claim 48 which, as amended, is allowable over Brandon. Therefore, claims 49 and 50 are also allowable over Brandon. Withdrawal of the rejection and allowance of these dependent claims are kindly requested..

**Claim Rejection Under 35 U.S.C. § 103**

The Examiner rejects claims 1, 5-7, 9-12, 14-24, 27, 31-33, 35-38, 40-42 and 48-50 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent No. 4,751,134 to Chenoweth et al. (“Chenoweth”) in view of Brandon.

As discussed above in reference to § 102 rejection, Applicant has amended the independent claims 1 and 48 to include the following limitation to place these claims in allowable form:

“ . . . the total glass fiber content is about 30-50 wt. % of said insulation product and said textile glass fibers make up less than about 20 wt. % of the total glass fiber content of said insulation product.”

In addition, Applicant has amended the independent claim 27 to include the following limitation, incorporated from originally-filed claims 39 and 40, to place it in allowable form:

“ . . . the total glass fiber content is about 30-50 wt. % of said insulation batt and said textile glass fibers make up less than about 20 wt. % of the total glass fiber content of said insulation batt . . . .”

As noted by the Examiner in the Office Action, Chenoweth fails to teach the inclusion of the claimed amount of textile glass fibers as part of the total glass fiber content of the nonwoven product. But as discussed above in reference to the § 102 rejection, the Brandon reference does not teach or disclose inclusion of textile glass fibers in the particular amount required by the limitations added by the amendments to claims 1, 27 and 48. As noted before, because the particular amount of textile glass fibers disclosed in Brandon is the optimal amount for the product of Brandon, one of ordinary skill in the art would not be motivated to modify that teaching to achieve the invention being claimed in the present application. Chenoweth certainly does not provide any such motivation to allow modification of the teachings of Brandon.

Therefore, the disclosures of the combination of Chenoweth and Brandon does not disclose, teach or suggest the invention claimed in claims 1, 27 and 48 as amended. Withdrawal of the rejection and allowance of claims 1, 27 and 48 as amended are kindly requested.

Claims 5-7, 9-12 and 15-24 depend from claim 1. Claims 31-33, 35-38 and 41-42 depend from claim 27. Claims 49-50 depend from claim 48. Because the independent claims 1, 27 and 48, as amended, are allowable over the cited references Chenoweth and Brandon, the claims depending therefrom are also allowable over Chenoweth and Brandon.

Accordingly, withdrawal of the rejection of claims 5-7, 9-12, 15-24, 31-33, 35-38, 41-42 and 49-50 under 35 U.S.C. § 103 and their allowance are kindly requested.

The Examiner also rejects claims 2-4, 8, 13, 28-30, 34 and 39 under 35 U.S.C. § 103(a) as being unpatentable over Chenoweth and Brandon and further in view of U.S. patent No. 6,099,775 to Bargo (“Bargo”). In view of the amendments to the independent claims 1 and 27 discussed above, Applicant believes that the remaining dependent claims 2-4, 8, 28-30 and 34 are allowable over the combination of Chenoweth, Brandon and Bargo.

Claims 13 and 39 have been canceled.

As discussed above, the combination of Chenoweth and Brandon fails to disclose or suggest the particular weight % of the textile glass fiber content required in the amended claims 1 and 27. As noted by the Examiner, Bargo teaches an insulation product prepared from a mixture of fiber glass, scrap nylon fibers and thermosetting resin. Applicant notes that although the fiber glass used in Bargo could include some textile glass fibers, based on the fiber diameter range disclosed in Bargo, the disclosure does not teach or suggest the particular weight % of textile glass fibers in the insulation product.

Therefore, Bargo does not correct the deficiencies of the Chenoweth and Brandon disclosures. Thus, the combined disclosures of Chenoweth, Brandon and Bargo does not disclose, teach or suggest the invention claimed in claims 2-4, 8, 28-30 and 34. Withdrawal the rejection of claims 2-4, 8, 28-30 and 34 under 35 U.S.C. § 103 and their allowance are kindly requested.

The Examiner also rejects claims 25 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Chenoweth and Brandon and further in view of U.S. published application No. 2003/0049488 to Yang *et al.* (“Yang”). In view of the amendments to the independent claim 1 discussed above, Applicant believes that the dependent claims 25 and 26 are allowable over the combination of Chenoweth, Brandon and Yang.

Claims 25 and 26 depend from claim 1 and recite the particular amount of thermoplastic powdered binders to be used in the invention of claim 1. The Examiner states that Chenoweth discloses the claimed invention except for the thermoplastic binder and that Yang’s teaching of the use of thermoplastic binders make it obvious for one of ordinary skill in the art to combine the teachings of Yang with the disclosures of Chenoweth and Brandon. However, as discussed above

in reference to the amended claim 1, the combination of Chenoweth and Brandon fails to disclose or suggest the invention claimed in amended claim 1. However, Yang's teachings are limited to a multi-layered insulation product formed by one or more layers of textile fibers and one or more layers of rotary and/or flame attenuated fibers using thermoplastic binders. Thus, although Yang also teaches the use of textile glass fibers in addition to the use of thermoplastic binders, the textile glass fibers in Yang form one or more independent layers in a multi-layered product in contrast to the claimed invention of amended claim 1 which is a single layered insulation product in which the textile glass fibers, rotary fibers and thermoplastic fibers are blended together with at least one binder. Thus, Yang does not cure the deficiency of Chenoweth and Brandon with respect to the invention claimed in amended claim 1 from which claims 25 and 26 depend and the combination of Chenoweth, Brandon and Yang suggested by the Examiner does not teach or suggest the invention claimed in claims 25 and 26.

Withdrawal of the rejection of claims 25 and 26 and their allowance are kindly requested.

#### **New Claims and Other Amendments:**

Applicant has added new claims 51-53 that depend from the independent claim 48 which, as amended, is allowable over the prior art of record. These new claims contain the same limitations as the claims 2-4 and no new matter is being added. Consideration of these new claims and their allowance is kindly requested.

Applicant also has amended claims 28-38 to change the recitation of "insulation batt" to "insulation product" to be consistent with the terminology used in claims 48-53.

#### **CONCLUSION**

As presented above, Applicants believe that the amendments presented herein will place the present application in condition for allowance. All amendments are fully supported by the disclosure of the Specification as originally filed and no new matter is presented.

Reconsideration of the present application and allowance of the pending claims are kindly requested. Should Examiner not agree with Applicants' position, then a telephone interview is respectfully requested to discuss any remaining issues and expedite the eventual allowance of the application.

Respectfully submitted,

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